

Teachers cover lion's share of McCleary lawsuit costs

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SEATTLE — Public school teachers paid most of the bill for the education lawsuit that is forcing the Washington Legislature to put billions more into the state budget for K-12 education.

So far, the McCleary case has cost the plaintiffs, including the teachers union, about \$4 million in attorney fees. The state Attorney General's Office has spent another \$2 million defending the Legislature, according to public records obtained by The Associated Press.

After years in the state court system, in 2012 the Washington Supreme Court ruled that lawmakers are not meeting their constitutional responsibility to fully pay for basic education and that they are relying too much on local tax-levy dollars to balance the education budget. The court gave the Legislature until the 2017-18 school year to fix the problem detailed in the lawsuit brought by a coalition of teachers, parents, students and community groups.

Ultimately, the lawsuit could mean as much as \$6 billion in additional dollars going into the education budget during a two-year budget cycle.

Teachers didn't pay the whole cost of the lawsuit and its journey through the courts, but they paid for most of it, acknowledged Rich Wood, spokesman for the Washington Education Association.

"Washington teachers are proud of that advocacy for fully funding education and providing the resources kids need to be successful," Wood said.

Members of the union taxed themselves twice during the past decade to help pay for the lawsuit. In 2004, they voted to pay \$1 a month for two years into a fund to support the lawsuit.

Although Wood was not sure how much money was raised, by that assessment, with about 63,000 K-12 teachers in the WEA, it likely raised more than \$1.5 million. The teachers voted for another special assessment of \$1 a month for six years starting in 2012, expecting to raise roughly \$5.1 million, Wood said.

According to WEA tax returns, the union sent checks totaling more than \$4 million to the Seattle law firm of Foster Pepper between 2009 and 2012.

Most of the rest of the money for legal and other costs came from school districts around the state, according to Nick Brossoit, superintendent of the Edmonds school district and chairman of the coalition. He did not have a total number for the district contributions, but he said Edmonds has contributed \$20,000 twice.

“We tried to do a dollar for each student,” Brossoit said. Some could only afford 50 cents a student or less, depending on their district’s financial health, he said. Washington has more than 1 million students in public school, but not every district participated in the lawsuit.

The lawsuit has cost more and gone on longer than anyone expected, he added.

Brossoit thinks the WEA deserves credit for paying the bulk of the legal costs and for not making a big deal out of that fact.

Attorney Tom Ahearne acknowledged the firm billed the Network for Excellence in Washington Schools several million dollars from 2007 to 2014 and that most of the money came from the teacher assessment. His law firm would not share specific details about the cost of their services.

Ahearne said the firm also wrote off several thousand hours of his time as “pro bono” work, which would be worth about a million dollars based on his hourly rate of \$500.

The firm’s partners did not want to say exactly how much they billed the coalition and how much work they did for free, he said.

“We’re definitely hoping that the return on that investment — if we realize ample K-12 funding — will definitely be worth it,” Brossoit said.